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Compilation on Saudi Arabia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. Saudi Arabia was invited by several treaty bodies to become a party to the International Covenant on Civil and Political Rights;[3] the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;[4] the International Covenant on Economic, Social and Cultural Rights;[5] the International Convention for the Protection of All Persons from Enforced Disappearance;[6] and International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189).[7] The Committee on the Elimination of Racial Discrimination requested Saudi Arabia to withdraw its broad reservation to the International Convention on the Elimination of All Forms of Racial Discrimination.[8] Saudi Arabia announced that it was considering ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and lifting its reservation under article 20 of that treaty.[9]

3. The Committee on the Rights of the Child recommended ratifying the Optional Protocol to the Convention on the Rights of the Child on a communications procedure and withdrawing the general reservation made to the Convention.[10] The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia ratify the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and withdraw its general reservation and its reservation to article 9 (2) of the Convention.[11] The Committee against Torture encouraged Saudi Arabia to make the declaration under article 22 of the Convention against Torture.[12]

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4. Several treaty bodies urged Saudi Arabia to ratify the Convention relating to the Status of Refugees, the Protocol relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons and the Convention on the Reduction of Statelessness.[13] The United Nations Educational, Scientific and Cultural Organization (UNESCO) encouraged Saudi Arabia to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.[14]

5. The Committee against Torture encouraged Saudi Arabia to extend an invitation to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.[15]

6. Saudi Arabia contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) annually, including to the torture and slavery funds in 2016 and 2017.[16]

III. National human rights framework[17]

7. The Committee on the Elimination of Racial Discrimination took note of the amendments in 2016 to grant the Human Rights Commission more independence, but regretted that was not yet in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[18] Several treaty bodies recommended that Saudi Arabia bring the Human Rights Commission into line with the Paris Principles and provide it with sufficient human and financial resources to effectively and independently discharge its mandate.[19]

8. The Committee against Torture welcomed the establishment of the Human Rights Commission and the National Society for Human Rights, whose activities included monitoring places of detention; however, despite measures reinforcing its independence, the Committee remained concerned that the Commission was subject to the authority of the executive branch, did not have independent funding and lacked unhindered access to all places of detention.[20] The Committee on the Rights of the Child recommended ensuring that the National Society for Human Rights was an independent monitoring mechanism compliant with the Paris Principles.[21] The Committee on the Elimination of Discrimination against Women noted the creation, in 2016, of the Council for Family Affairs.[22]

9. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism encouraged the Government to introduce specific compulsory training programmes for law enforcement officials, investigators, prosecutors, judges and medical personnel on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol).[23]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[24]

10. The Committee on the Elimination of Discrimination against Women remained concerned about persisting discriminatory laws, the lack of comprehensive non-discrimination legislation and the absence of the grounds of sex and gender in the equality guarantee under article 8 of the Basic Law of Governance.[25] It recommended that Saudi Arabia examine existing laws and regulations in order to dissociate the provisions deriving from religion from those falling within the scope of traditions and customs; repeal all remaining discriminatory provisions in its national legislation; amend the Basic Law of Governance; and adopt comprehensive anti-discrimination legislation that included a definition of discrimination against women.[26] It also called upon the Government to adopt

the bill on combating discrimination and hatred.[27] The Committee on the Elimination of Racial Discrimination recommended enacting comprehensive domestic legislation prohibiting direct and indirect racial discrimination, including all prohibited grounds of discrimination.[28]

11. The Committee on the Rights of the Child remained concerned that children of Saudi mothers and non-Saudi fathers, lesbian, gay, bisexual, transgender and intersex children, children with disabilities, children born out of wedlock, children of migrant workers and children belonging to Shia and other religious minorities continued to be subjected to persistent discrimination. It urged Saudi Arabia to eliminate de jure and de facto discrimination on any grounds against all children,[29] and to conduct awareness-raising campaigns to eliminate the stigma attached to children born out of wedlock.[30]

2. Development, the environment, and business and human rights[31]

12. The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2016 of the State's Vision 2030 and the tenth development plan covering the period 2015–2019.[32] It recommended the adoption of a national strategy to support gender equality and the empowerment of women, and a related plan of action.[33]

13. The Special Rapporteur on extreme poverty and human rights was concerned about the lack of transparency about poverty and the associated challenges, as the Government needed to have a clearer understanding of the nature and extent of the problem and accurate data were indispensable to evaluate the anticipated and actual impact of Vision 2030 policies on the poor.[34]

3. Human rights and counter-terrorism[35]

14. The Committee against Torture was concerned that the 2014 counter-terrorism law contained an extremely broad definition of terrorism, which would enable the criminalization of some acts of peaceful expression. That law also allowed the detention of individuals for up to 90 days without access to family members or legal counsel, depriving them of legal safeguards against torture. The Committee urged Saudi Arabia to revise the definition of terrorism so that the criminalization provisions could not serve as a basis for prosecuting individuals engaged in non-violent expression and advocacy, especially in defence of human rights, and that it revise the law so that it did not facilitate the practice of incommunicado detention.[36] The Special Rapporteur on terrorism recommended reviewing the 2014 counter-terrorism law to ensure that the provisions complied with basic principles of due process and a fair trial.[37] He recommended urgently reviewing the definition of terrorism in the counter-terrorism law to bring it into line with international human rights norms, and to refrain from using antiterrorism and other forms of national security legislation to stifle peaceful political dissidence, criticism or non-violent protest.[38]

B. Civil and political rights

1. Right to life, liberty and security of person[39]

15. The Committee against Torture was deeply concerned about the continued existence of the death penalty and the growing number of executions. The Committee encouraged Saudi Arabia to establish a moratorium on executions and to commute all existing death sentences.[40]

16. The Committee on the Rights of the Child expressed its deepest concern about persons who had been sentenced to death and executed for offences allegedly committed when they were under the age of 18.[41] It urged Saudi Arabia to immediately halt the execution of people who were minors at the time of the alleged commission of an offence; commute the death sentences issued against children; amend legislation to prohibit the imposition of the death sentence on children; and immediately release children sentenced to death for the exercise of their right to freedom of opinion and expression.[42]

17. The same Committee and the Committee on the Elimination of Discrimination against Women were deeply concerned at information that Saudi Arabia, through its

military operation in Yemen, had committed grave violations of the rights of children, women and girls.[43] The latter Committee was also concerned about the damage inflicted to the environment in Yemen by the military operation.[44] The two committees urged Saudi Arabia to respect international humanitarian law; allow and facilitate rapid and unimpeded humanitarian relief for civilians in need; and establish an international independent body to investigate allegations of violations of international humanitarian and human rights law in Yemen.[45] The Special Rapporteur on terrorism reminded Saudi Arabia of its obligation to ensure that a fact-finding investigation, independent of the chain of command involved in the strike, was conducted in any case in which there were reliable indications that civilians might have been killed or injured, and to make the results public. He called upon the Government to ensure that such investigations were conducted in every case and the true civilian death toll made public.[46]

18. In a 2018 report to the Security Council on children and armed conflict, the Secretary-General noted that the situation in Yemen remained grave, with 842 verified cases of the recruitment and use of boys as young as 11 years old. He was encouraged by efforts undertaken by the Government of Saudi Arabia to support the reintegration of children formerly associated with armed groups in Yemen, and reminded all parties to abide by their obligations under international law to protect children from all forms of violence.[47]

19. The Committee against Torture was concerned that current legal provisions did not define the crime of torture as required by the Convention, and regretted the absence of clear legal provisions in the Basic Law of Governance ensuring the absolute and non-derogable prohibition of torture and ill-treatment. It urged Saudi Arabia to revise national legislation in that regard.[48] The Committee and the Special Rapporteur on terrorism were deeply concerned that torture and ill-treatment were commonly practised in prisons and detention centres by law enforcement officials, including to extract confessions. They recommended that the Government investigate all allegations, prosecute the perpetrators and train all relevant officials.[49] The Committee on the Rights of the Child expressed serious concern that some legislation authorized the ill-treatment and torture of children; that interrogation techniques amounting to torture were authorized and frequently used to coerce juveniles into signing confessions; and that children could be sentenced to life imprisonment and solitary confinement. It urged Saudi Arabia to unambiguously prohibit solitary confinement and life sentences for children, and the attendance of children at public executions.[50] The Committee against Torture urged the Government to establish an accessible confidential complaint mechanism for detainees,[51] and recommended including in domestic legislation explicit provisions on the right to redress for victims of torture and ill-treatment.[52]

20. The Committee was deeply concerned that Saudi Arabia sentenced individuals to and imposed corporal punishment, including flogging/lashing and amputation. It urged Saudi Arabia to abolish any form of corporal punishment.[53] The Committee particularly requested that Saudi Arabia review the case of the blogger, Ra'if Badawi, and other individuals to invalidate any aspect of their sentences involving corporal punishment.[54] The Committee on the Rights of the Child urged the country to repeal all legislative provisions authorizing the stoning, amputation and flogging of children.[55]

21. While welcoming the draft law aimed at addressing overcrowding by using alternatives to imprisonment, the Committee against Torture was concerned about overcrowding and poor conditions in some detention facilities. It urged Saudi Arabia to alleviate overcrowding, through alternative measures to imprisonment, and to guarantee the principle of non-discrimination in according all required rights to persons in detention.[56]

22. The Committee was concerned at reports that the majority of persons deprived of their liberty were in pretrial detention.[57] OHCHR was concerned about the continuing arrests and apparently arbitrary detentions of human rights defenders and activists, including women's rights activists. OHCHR urged Saudi Arabia to reveal the locations of those activists, to ensure their rights to due process guarantees and, if their detention was related solely to their work as human rights defenders and activists, to release them immediately. OHCHR also expressed concern about the detention and disappearances of other individuals, without explanation or apparent due process.[58] In a joint statement, United Nations experts also urged Saudi Arabia to immediately release women's human

rights defenders arrested in a nationwide crackdown. Reports indicated that a number of those arrested faced extremely serious charges, carrying penalties of up to 20 years in prison. The experts also reiterated their concern over others detained in Saudi Arabia on the basis of their activism and the exercise of their rights to freedom of expression and association, including Ra'if Badawi.[59]

23. The Committee against Torture was concerned about the reported existence of secret places of detention and the absence of an independent institution to undertake regular and unannounced visits to all places of detention.[60] It urged Saudi Arabia to strengthen the independence of the Bureau of Investigation and Public Prosecution from the Ministry of the Interior, and to ensure the regular monitoring of all places of detention by an independent institution.[61]

2. Administration of justice, including impunity, and the rule of law[62]

24. The Committee was concerned about the reported lack of independence and impartiality of the judiciary, since judges were appointed and discharged by the King. It also regretted the absence of women in the judiciary. The Committee urged Saudi Arabia to ensure a fully independent and impartial judiciary, and to make the judiciary more gender sensitive, including by appointing women judges.[63]

25. The Committee on the Rights of the Child noted that judges ruled on the basis of their personal interpretation of religion.[64] The Committee on the Elimination of Discrimination against Women recommended that sharia courts harmonize their norms, procedures and practices with international human rights standards.[65]

26. The Committee against Torture was concerned about the lack of independence of the Specialized Criminal Court established to try cases of terrorism and urged Saudi Arabia to strengthen its independence.[66] The Committee on the Rights of the Child urged Saudi Arabia to ensure that no person who was a child at the time of committing an alleged offence was tried before the Specialized Criminal Court.[67]

27. The Committee against Torture was concerned that coerced confessions were admissible evidence in the courts. It urged Saudi Arabia to ensure that coerced confessions were inadmissible in law and in practice, except when invoked as evidence against a person accused of torture.[68]

28. The Special Rapporteur on terrorism was concerned that allegations of torture or other forms of ill-treatment made by terrorism suspects, lawyers and human rights defenders did not systematically result in rapid and independent investigations.[69]

29. The Committee on the Elimination of Discrimination against Women referred to persisting barriers to women's access to justice and recommended implementing measures in that regard.[70] The Committee on the Rights of the Child observed that girls were highly discriminated against in the justice system, and urged Saudi Arabia to address the violation of girls' rights in that regard.[71]

30. The Committee was also concerned about the absence of a comprehensive legal framework on children in conflict with the law. It recommended that Saudi Arabia build a system of restorative and rehabilitative juvenile justice in line with the Convention on the Rights of the Child.[72]

3. Fundamental freedoms and the right to participate in public and political life[73]

31. The Committee recommended that Saudi Arabia eliminate all forms of discrimination on the grounds of religion or belief; promote religious tolerance and dialogue in society; ensure the free practise of religion without undue State interference; and ensure that private religious gatherings were not arbitrarily raided.[74]

32. The Committee urged Saudi Arabia to repeal laws and regulations that broadly restricted freedom of opinion and expression, including the vaguely defined offences of "apostasy", "insulting God or the Prophet" or "corrupting the Earth", for which children could be condemned to severe sentences, including the death penalty.[75]

33. The Committee on the Elimination of Discrimination against Women remained concerned that women's freedom of association was impeded by lengthy registration procedures and that associations were prohibited from working on political and human rights issues. It recommended amending the Law on Associations and Foundations to ensure an enabling environment in which civil society could be freely established and engaged in political and public life.[76] The Committee against Torture was extremely concerned that Saudi Arabia had refused to grant operating licences to human rights organizations and about reports indicating that it had punished individuals who had reported on alleged human rights violations or who had objected to State policies. It urged Saudi Arabia to acknowledge the legitimacy of peaceful criticism and human rights advocacy, and to release any individual detained solely on that basis.[77] The Committee on the Rights of the Child urged Saudi Arabia to allow human rights defenders and non-governmental organizations to exercise their right to freedom of expression and opinion without threats or harassment.[78] The Committee on the Elimination of Discrimination against Women was particularly concerned that women human rights defenders had reportedly been subjected to harassment, violence, intimidation, detention and ill-treatment. It recommended that Saudi Arabia refrain from any reprisals against women human rights defenders, and ensure that they were able to exercise their rights to freedom of expression and association.[79]

34. The Special Rapporteur on terrorism strongly condemned the use of counter-terrorism legislation against individuals peacefully exercising their rights to freedom of expression, as well as freedom of religion or belief and freedom of peaceful association and assembly. The Special Rapporteur urged Saudi Arabia to establish an independent national mechanism to identify all individuals who were currently serving sentences of imprisonment based on acts that constituted the exercise of their fundamental freedoms and to commute or pardon all such prisoners with immediate effect.[80]

35. UNESCO noted that the Basic Law of Governance provided no explicit principle of freedom of expression and that there was no freedom of information law.[81] It encouraged Saudi Arabia to introduce freedom of information legislation, decriminalize defamation in accordance with international standards and ensure that the broadcast licensing authority was independent and that there was judicial oversight in cases related to the blocking of online content.[82]

4. Prohibition of all forms of slavery[83]

36. The Committee against Torture and the Committee on the Elimination of Discrimination against Women welcomed initiatives to combat trafficking in persons.[84]

37. The latter Committee was concerned that victims of trafficking and exploitation of prostitution were reportedly sometimes arrested, detained and deported. It recommended that Saudi Arabia effectively enforce the Anti-Trafficking Act; investigate and prosecute cases of trafficking in persons; adopt adequate mechanisms for the early identification and referral of victims of trafficking; and provide women victims with adequate protection and redress.[85] The Committee on the Elimination of Racial Discrimination and the ILO Committee of Experts on the Application of Conventions and Recommendations recommended that Saudi Arabia step up efforts to eliminate trafficking in persons and provide protection and assistance to victims.[86] The Committee on the Rights of the Child urged Saudi Arabia to effectively enforce the prohibition on the use of trafficked children as camel jockeys.[87]

38. Noting that thousands of children, many of them victims of trafficking, lived and worked on the streets in Saudi Arabia and were subjected to forced labour by criminal gangs, the same Committee urged the Government to immediately stop the arbitrary arrest and deportation of such children, and to release those currently detained. It also recommended adopting a comprehensive strategy so that children in street situations had access to education and health services.[88]

39. The ILO Committee of Experts observed that the Labour Code did not contain any specific provisions prohibiting forced labour and that employers that imposed forced labour

were only punished with a fine. It urged Saudi Arabia to impose fully adequate and strictly enforced penalties for such cases.[89]

5. Right to privacy and family life[90]

40. The Committee on the Elimination of Discrimination against Women remained concerned about the use of sharia law to explain the lack of progress on family law reform and the continued application of discriminatory legal provisions relating to personal status, particularly the requirement for a woman to obtain her guardian's permission to marry and the limited grounds available to women to seek divorce. It was also concerned at the persistent discrimination against women and girls in inheritance law, custody matters, marriage and divorce. It recommended that Saudi Arabia remove discriminatory provisions regulating legal capacity, divorce, the guardianship system and inheritance.[91]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[92]

41. The Committee welcomed measures promoting women's employment. It remained concerned about women's low participation in the labour market; the lack of enforcement of the law abolishing the need for a guardian's permission to work; persistent occupational segregation and sex segregation in the workplace; the concentration of women in low-paid jobs; and the persistent gender wage gap. The Committee recommended enhancing women's access to the formal labour market.[93] The ILO Committee of Experts encouraged the Government to increase the participation of women in a wider range of occupations than those traditionally considered to be "suitable"; ensure that any restrictions on women's employment were strictly limited to maternity protection; and repeal the order establishing criteria for women's work.[94] It encouraged Saudi Arabia to implement programmes to examine the underlying causes of the gender wage gap and to take measures to address them.[95]

42. The Committee called on Saudi Arabia to address and prevent effectively all forms of sex discrimination, including sexual harassment. It also requested information on labour inspection in relation to discrimination.[96]

2. Right to social security[97]

43. The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia expand the coverage of pension and social protection schemes for women.[98]

3. Right to an adequate standard of living[99]

44. The Committee on the Elimination of Racial Discrimination recommended that Saudi Arabia improve the situation of marginalized groups living in poverty, such as non-Saudis who were not migrant workers.[100] The Special Rapporteur on extreme poverty, noting the approach to social protection reflected in Vision 2030, recommended that the Government acknowledge the right to social protection as a human right.[101]

45. The Special Rapporteur stated that taxation was a crucial redistributive tool to decrease economic inequality and enhance equal opportunities. While inequality levels had dropped since 2007, they remained inordinately high.[102]

4. Right to health[103]

46. The Committee on the Elimination of Discrimination against Women was concerned about the criminalization of abortion except when the life of the pregnant woman or girl was at risk.[104] The Committee on the Rights of the Child recommended that Saudi Arabia decriminalize abortion in all circumstances, and ensure access to safe abortion and post-abortion care services for adolescents.[105]

47. The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia provide comprehensive health services, particularly sexual and reproductive health services; ensure affordable modern forms of contraception; and strengthen prevention of sexually transmitted infections.[106] The Committee on the Rights of the Child recommended including sexual and reproductive health education as part of the mandatory school curriculum.[107] UNESCO made a similar recommendation.[108]

5. Right to education[109]

48. UNESCO noted that Saudi Arabia had adopted several measures, policies and plans to strengthen access to quality education. It encouraged the Government to further ensure compulsory primary education for both girls and boys, including through the adoption of legislative frameworks, [110] and to continue its efforts to strengthen its pre-primary educational system, in line with Sustainable Development Goal 4 and its target 4.2.[111]

49. The Committee on the Elimination of Discrimination against Women was concerned that access to education for disadvantaged groups of girls remained limited. [112] The Committee on the Rights of the Child recommended that Saudi Arabia ensure the same quality of education and educational options for boys and girls and generalize non-stereotyped educational curricula, addressing the structural causes of gender-based discrimination.[113] The Committee on the Elimination of Discrimination against Women recommended providing girls with career counselling on non-traditional career paths and non-stereotypical fields of study.[114] UNESCO noted that some girls deprived of a family environment reaching the age of 12 years remained in social education homes; such girls could only acquire life skills while boys in similar situations had access to secondary education opportunities and could participate in social, cultural and sporting activities. UNESCO encouraged Saudi Arabia to put an end to that practice and to direct those girls to the mainstream secondary educational system.[115]

50. UNESCO encouraged Saudi Arabia to fully implement the relevant provisions of the Convention for the protection of the world cultural and natural heritage and the Convention for the Safeguarding of the Intangible Cultural Heritage, and to give due consideration to the participation of a wide range of communities in doing so.[116]

D. Rights of specific persons or groups

1. Women[117]

51. Despite the enactment of the Protection from Abuse Act,[118] criminalizing domestic violence, the Committee on the Elimination of Discrimination against Women noted with concern the prevalence of gender-based violence against women, particularly domestic and sexual violence, which remained largely underreported and undocumented.[119] In the light of the large number of reported domestic violence incidents, the Committee against Torture was concerned about allegations that the male guardianship system (*mehrem*) deterred and often prevented victims from reporting such cases.[120] The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia adopt comprehensive legislation to specifically criminalize all forms of gender-based violence against women, including economic violence, rape, marital rape, non-penetrative forms of sexual assault and sexual harassment; repeal all legal provisions exculpating perpetrators of domestic violence; investigate and prosecute cases of gender-based violence; and ensure access for victims to appropriate redress.[121] The Committee against Torture urged the Government to train and adopt guidelines for the judiciary and law enforcement officials on how to investigate cases of rape and sexual violence.[122] The Committee on the Rights of the Child urged Saudi Arabia to address the root causes of domestic violence and adopt a comprehensive strategy to prevent and respond to domestic violence.[123] The Committee on the Elimination of Discrimination against Women recommended that the Government amend the legislation so that victims of sexual abuse were not punished if they pressed charges that later could not be proved.[124]

52. The Committee on the Rights of the Child expressed deep concern that, despite repeated recommendations of international human rights mechanisms, Saudi Arabia still did

not recognize girls as full subjects of rights, and severely discriminated against them in law and in practice. It urged Saudi Arabia to ensure full respect for gender equality and to eliminate all forms of discrimination against girls.[125] The Committee on the Elimination of Discrimination against Women recommended eliminating patriarchal attitudes and stereotypes that discriminated against women in collaboration with civil society, the media and community and religious leaders.[126]

53. The Committee was concerned about the persistence of the male guardianship system,[127] despite measures taken to limit its scope.[128] It recommended that Saudi Arabia abolish that practice, adopt implementing regulations to enforce Supreme Order No. 33322 and ensure that claims of disobedience by guardians were not used to subject women to arbitrary detention.[129]

54. The Committee was also concerned about persisting harmful practices, including child and forced marriage, the compulsory dress code for women and polygamy. It recommended that Saudi Arabia eliminate those practices, strengthen support measures for victims and remove discriminatory provisions regulating legal polygamy.[130] The Committee on the Rights of the Child also urged the Government to stop imposing a dress code on girls.[131] The Committee against Torture urged Saudi Arabia to criminalize forced marriage.[132]

55. Despite the entitlement of women to vote and to be elected to municipal councils, the Committee on the Elimination of Discrimination against Women was concerned about the very low participation of women at all levels of decision-making. It recommended that Saudi Arabia promote equal and full participation of women in political and public life and in decision-making and that it address the cultural and practical barriers impeding the full political participation of women.[133]

56. The Special Rapporteur on extreme poverty noted that challenges with regard to the human rights of women were heavier on women living in poverty, as many employers still insisted on obtaining the permission of male guardians before women could work. The Special Rapporteur recommended that the Government enforce the 2012 rule that women no longer needed a guardian's permission to work.[134]

2. Children[135]

57. In spite of the 2014 Child Protection Act and the Protection from Abuse Act, and implementing regulations,[136] the Committee on the Rights of the Child noted that the comprehensive review of the legislation relating to children had not been concluded. It recommended that Saudi Arabia develop without further delay a comprehensive law on children that embraced both child protection and children's rights.[137]

58. The Committee was seriously concerned that judges had discretion to determine the age of majority and that they frequently authorized the marriage of girls who had attained puberty.[138] It noted that judges often considered underage marriage as being in the best interest of the girl child, leading to multiple violations of girls' rights.[139] The Committee on the Elimination of Discrimination against Women noted that a high proportion of girls continued to marry before the age of 18 years.[140] The Committee on the Rights of the Child urged Saudi Arabia to set the minimum age of marriage at 18 years for both girls and boys[141] and to eliminate child marriage, including forced marriage.[142]

59. The same Committee urged Saudi Arabia to repeal all legislation treating child victims as offenders; criminalize all forms of sexual abuse against children and prosecute and punish perpetrators; abolish the practice of allowing perpetrators of child sexual abuse to escape punishment; ensure effective mandatory reporting of cases of child sexual abuse and exploitation; combat the stigmatization of victims; and ensure effective reporting channels for such violations.[143]

60. The Committee recommended prohibiting all forms of corporal punishment in all settings, including in the family.[144]

61. The Committee expressed its deepest concern that children above 15 years of age were tried as adults, and that judges could decide that a child below 15 was mature enough

to be criminally charged and sentenced as an adult. It urged Saudi Arabia to raise the age of criminal responsibility to an internationally acceptable level.[145]

62. The ILO Committee of Experts requested the Government to take measures to ensure compulsory education up to the minimum age for admission to employment or work of 15 years.[146] It requested the Government to take the necessary measures to eliminate the use, procurement and offering of children for begging, and to facilitate their rehabilitation and social integration.[147]

63. The Committee on the Rights of the Child asked Saudi Arabia about any plans to criminalize the recruitment of children into the armed forces.[148]

3. Persons with disabilities[149]

64. The Committee recommended that Saudi Arabia adopt a social and human rights-based approach to disability.[150]

65. The Committee and UNESCO noted that the vast majority of children with disabilities continued to receive education in segregated institutions.[151] UNESCO encouraged Saudi Arabia to give priority to inclusive education and to strengthen educational opportunities for such children through the adoption of a comprehensive policy and a legal framework that guaranteed the right to education for persons with disabilities.[152]

4. Minorities[153]

66. The Committee on the Elimination of Discrimination against Women was concerned about the persistent disadvantaged situation of Shiite women in many fields, and called upon Saudi Arabia to address those inequalities.[154]

67. The Committee on the Elimination of Racial Discrimination recommended that Saudi Arabia take all necessary measures to ensure the rights of ethno-religious minorities, including their right to freedom of thought, conscience and religion, and to eliminate all barriers faced by ethno-religious minorities in education, employment and the legal system.[155]

5. Migrants, refugees, asylum seekers and internally displaced persons[156]

68. The ILO Committee of Experts urged Saudi Arabia not to expose migrant workers to practices that increased their vulnerability. It requested Saudi Arabia to indicate how migrant workers could exercise their right to freely terminate their employment so that they did not fall into abusive practices owing to the visa "sponsorship" system. It requested information on measures to ensure that all migrant workers enjoyed effective protection against discrimination, with a particular focus on the effective abolition of the sponsorship system in practice.[157] The Committee against Torture was deeply concerned at reported widespread torture, ill-treatment and trafficking in migrant workers, particularly female domestic workers, under the sponsorship (*kafala*) system. It stressed that that system increased the risks of trafficking, rape and other forms of torture and ill-treatment for female workers.[158] It recommended that Saudi Arabia legally protect migrant workers and guarantee their access to justice; urgently reform the sponsorship system; adopt or amend labour legislation governing domestic work; and provide support, legal aid and reparative measures to victims of torture, ill-treatment and trafficking.[159] The Committee on the Elimination of Racial Discrimination recommended ensuring that the employment of migrant workers be regulated by labour law; that provisions protecting migrant workers were effectively enforced; and that migrant workers had access to independent and effective complaint mechanisms without fear of reprisals.[160]

69. The Committee on the Rights of the Child and the Committee on the Elimination of Discrimination against Women noted the economic, sexual and physical abuse and exploitation and ill-treatment of migrant women and girls employed as domestic workers.[161] The latter Committee recommended adopting a specific law regulating domestic employment; ensuring regular labour inspections of workplaces;[162] enforcing the prohibition against passport confiscation; and guaranteeing due process before the courts to women migrant domestic workers.[163] The Committee on the Rights of the Child urged

Saudi Arabia to abolish the exit visa requirement and hold accountable those exploiting children as domestic workers.[164]

70. Noting that there were around 500,000 undocumented Indonesian domestic workers in Saudi Arabia because of the cancellation of the agreement facilitating legal migration by Indonesia, the Special Rapporteur on extreme poverty recommended granting amnesty for those and other workers in a similar situation.[165]

71. The Committee against Torture remained concerned about the absence of national legislation and procedures explicitly regulating expulsion, refoulement and extradition, and specific mechanisms for protecting minors at risk of trafficking.[166] It urged Saudi Arabia to adopt a comprehensive law on asylum consistent with international human rights standards; specific domestic legislation against refoulement; and effective remedies in removal proceedings.[167]

6. Stateless persons[168]

72. The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia amend the Nationality Act to enable Saudi women to transmit their nationality to their foreign spouses and their children on an equal basis with Saudi men.[169] The Committee on the Rights of the Child made the same recommendation, particularly in cases where children would otherwise be left stateless.[170]

73. The Committee on the Elimination of Discrimination against Women recommended that Saudi Arabia regularize the situation of stateless women and ensure their right to nationality without discrimination.[171] The Committee on the Rights of the Child recommended addressing the status of stateless children and their families through a naturalization process.[172]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Saudi Arabia will be available at www.ohchr.org/EN/Countries/MENARegion/Pages/SAIndex.aspx.
2 For relevant recommendations, see A/HRC/25/3, paras. 138.1–138.26, 138.32, 138.78–138.79, 138.81–138.90 and 138.222–138.224.
3 See CERD/C/SAU/CO/4-9, para. 39, CAT/C/SAU/CO/2, para. 43, and CEDAW/C/SAU/CO/3-4, para. 72.
4 See CERD/C/SAU/CO/4-9, para. 39, and CEDAW/C/SAU/CO/3-4, paras. 38 (h) and 72.
5 Ibid.
6 Ibid.
7 See CERD/C/SAU/CO/4-9, para. 20.
8 Ibid., para. 6.
9 See CAT/C/SAU/CO/2, para. 53.
10 See CRC/C/SAU/CO/3-4, paras. 6 and 46.
11 See CEDAW/C/SAU/CO/3-4, paras. 10 and 67.
12 See CAT/C/SAU/CO/2, para. 54.
13 Ibid., para. 47 (d), CRC/C/SAU/CO/3-4, paras. 23 and 37, CEDAW/C/SAU/CO/3-4, paras. 42 (c) and 58 (d), and CERD/C/SAU/CO/4-9, paras. 34 and 39.
14 See UNESCO submission for the universal periodic review of Saudi Arabia, para. 25.
15 See CAT/C/SAU/CO/2, para. 55.
16 OHCHR, "Funding", in *OHCHR Report 2017*, pp. 85 and 135.
17 For relevant recommendations, see A/HRC/25/3, paras. 138.27–138.35, 138.37–138.63, 138.72–138.80, 138.91, 138.135–138.136, 138.140–138.143, 138.153, 138.156–138.157, 138.159–138.161, 138.175, 138.193, 138.211 and 138.225.
18 See CERD/C/SAU/CO/4-9, para. 9. See also CAT/C/SAU/CO/2, para. 34 (a)–(b).
19 See CERD/C/SAU/CO/4-9, para. 10, CEDAW/C/SAU/CO/3-4, para. 24, and CAT/C/SAU/CO/2, para. 35 (a).
20 See CAT/C/SAU/CO/2, paras. 4 (c) and 34 (a)–(b).
21 See CRC/C/SAU/CO/3-4, para. 11.
22 See CEDAW/C/SAU/CO/3-4, para. 21.
23 See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
24 For relevant recommendations, see A/HRC/25/3, paras. 138.94, 138.182 and 138.215.

[25] See CEDAW/C/SAU/CO/3-4, paras. 13 and 15. See also para. 4 (a)–(b) and (d).
[26] Ibid., paras. 14 and 16 (a) and (c).
[27] Ibid., para. 60.
[28] See CERD/C/SAU/CO/4-9, paras. 12 and 15.
[29] See CRC/C/SAU/CO/3-4, paras. 17–18.
[30] Ibid., para. 33 (b).
[31] For the relevant recommendation, see A/HRC/25/3, para. 138.215.
[32] See CEDAW/C/SAU/CO/3-4, paras. 5 and 21.
[33] Ibid., para. 22 (c).
[34] See A/HRC/35/26/Add.3, para. 19.
[35] For relevant recommendations, see A/HRC/25/3, paras. 138.216–138.220.
[36] See CAT/C/SAU/CO/2, paras. 16 and 18 (a)–(b), and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
[37] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
[38] Ibid.
[39] For relevant recommendations, see A/HRC/25/3, paras. 138.118–138.130, 138.139 and 138.151–138.152.
[40] See CAT/C/SAU/CO/2, paras. 42–43.
[41] See CRC/C/SAU/CO/3-4, para. 20. See also para. 43 (d).
[42] Ibid., paras. 21 and 24.
[43] See CRC/C/SAU/CO/3-4, para. 38, and CEDAW/C/SAU/CO/3-4, para. 17. See also CRC/C/OPAC/SAU/Q/1, paras. 5–7, and A/72/865-S/2018/465, paras. 200–216.
[44] See CEDAW/C/SAU/CO/3-4, para. 53.
[45] See CRC/C/SAU/CO/3-4, para. 39, and CEDAW/C/SAU/CO/3-4, para. 18 (b)–(d).
[46] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
[47] See A/72/865-S/2018/465, paras. 200–216.
[48] See CAT/C/SAU/CO/2, paras. 5–6.
[49] Ibid., paras. 7–8, 32 (b) and 49 (a), and www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E. See also CRC/C/SAU/CO/3-4, para. 27.
[50] See CRC/C/SAU/CO/3-4, paras. 26–27.
[51] See CAT/C/SAU/CO/2, para. 35 (b). See also paras. 14–15.
[52] Ibid., para. 51 (a).
[53] Ibid., paras. 10–11.
[54] See CAT/C/SAU/CO/2, para. 13.
[55] See CRC/C/SAU/CO/3-4, para. 27.
[56] Ibid., paras. 30–31.
[57] See CAT/C/SAU/CO/2, para. 30. See also para. 26.
[58] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23134&LangID=E. See also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23420&LangID=E.
[59] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23270&LangID=E.
[60] See CAT/C/SAU/CO/2, para. 32 (a).
[61] Ibid., para. 33.
[62] For relevant recommendations, see A/HRC/25/3, paras. 138.69–138.70, 138.123, 138.130, 138.137, 138.141, 138.144–138.151, 138.153–138.156 and 138.208.
[63] See CAT/C/SAU/CO/2, paras. 21–22. See also CRC/C/SAU/CO/3-4, para. 43 (g).
[64] See CRC/C/SAU/CO/3-4, para. 7.
[65] See CEDAW/C/SAU/CO/3-4, para. 20 (f).
[66] See CAT/C/SAU/CO/2, paras. 17 and 18 (c).
[67] See CRC/C/SAU/CO/3-4, para. 44 (e).
[68] See CAT/C/SAU/CO/2, paras. 23–24.
[69] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
[70] See CEDAW/C/SAU/CO/3-4, paras. 19–20. See also paras. 32 (e) and 38 (d) and CRC/C/SAU/CO/3-4, para. 29 (c).
[71] See CRC/C/SAU/CO/3-4, paras. 43 (g) and 44 (h).
[72] Ibid., paras. 43–44.
[73] For relevant recommendations, see A/HRC/25/3, paras. 138.46–138.54, 138.117, 138.154, 138.164–138.175 and 138.193.
[74] See CRC/C/SAU/CO/3-4, para. 25.
[75] Ibid., para. 24.
[76] See CEDAW/C/SAU/CO/3-4, paras. 25 (b) and 26.
[77] See CAT/C/SAU/CO/2, paras. 19–20. See also paras. 16 and 18 (d).
[78] See CRC/C/SAU/CO/3-4, para. 12.

[79] See CEDAW/C/SAU/CO/3-4, paras. 55–56.
[80] See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21584&LangID=E.
[81] See UNESCO submission, paras. 3 and 6.
[82] Ibid., paras. 20–23.
[83] For relevant recommendations, see A/HRC/25/3, paras. 138.44, 138.72, 138.80 and 138.131–138.133.
[84] See CAT/C/SAU/CO/2, para. 4 (b), and CEDAW/C/SAU/CO/3-4, para. 35.
[85] See CEDAW/C/SAU/CO/3-4, paras. 35 (c) and 36 (a)–(b) and (d)–(e). See also CERD/C/SAU/CO/4-9, para. 36, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298596:NO.
[86] See CERD/C/SAU/CO/4-9, para. 36, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298596:NO. See also CEDAW/C/SAU/CO/3-4, para. 36 (a)–(b) and (d).
[87] See CRC/C/SAU/CO/3-4, para. 42. See also CRC/C/OPSC/SAU/Q/1, para. 11.
[88] See CRC/C/SAU/CO/3-4, para. 41. See also CRC/C/OPSC/SAU/Q/1, para. 6.
[89] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298592:NO.
[90] For relevant recommendations, see A/HRC/25/3, paras. 138.64 and 138.99.
[91] See CEDAW/C/SAU/CO/3-4, paras. 63 (a) and (c) and 64 (a). See also para. 15 and CRC/C/SAU/CO/3-4, para. 32 (b).
[92] For relevant recommendations, see A/HRC/25/3, paras. 138.98, 138.176 and 138.182–138.183.
[93] See CEDAW/C/SAU/CO/3-4, paras. 45 (c)–(f) and 46 (c).
[94] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3302413:NO.
[95] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3189665:NO.
[96] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3302413:NO.
[97] For the relevant recommendation, see A/HRC/25/3, para. 138.185.
[98] See CEDAW/C/SAU/CO/3-4, para. 50 (b).
[99] For relevant recommendations, see A/HRC/25/3, paras. 138.186 and 138.221.
[100] See CERD/C/SAU/CO/4-9, para. 32.
[101] See A/HRC/35/26/Add.3, para. 29 (c)–(d).
[102] Ibid., para. 31.
[103] For relevant recommendations, see A/HRC/25/3, paras. 138.98, 138.102, 138.184, 138.187–138.188, 138.196 and 138.215.
[104] See CEDAW/C/SAU/CO/3-4, para. 47 (b).
[105] See CRC/C/SAU/CO/3-4, para. 35. See also CEDAW/C/SAU/CO/3-4, para. 48 (b).
[106] See CEDAW/C/SAU/CO/3-4, para. 48 (a) and (c). See also CRC/C/SAU/CO/3-4, para. 35.
[107] See CRC/C/SAU/CO/3-4, para. 35. See also CEDAW/C/SAU/CO/3-4, para. 44 (b).
[108] See UNESCO submission, specific recommendation 6.
[109] For relevant recommendations, see A/HRC/25/3, paras. 138.30, 138.61, 138.65–138.67, 138.79 and 138.189–138.192.
[110] See UNESCO submission, para. 14. See also CRC/C/SAU/CO/3-4, para. 36.
[111] See UNESCO submission, para. 15.
[112] See CEDAW/C/SAU/CO/3-4, p. . 43 (a)
[113] See CRC/C/SAU/CO/3-4, para. 36. See also CEDAW/C/SAU/CO/3-4, para. 44 (a) and (d).
[114] See CEDAW/C/SAU/CO/3-4, para. 44 (e).
[115] See UNESCO submission, para. 16.
[116] Ibid., para. 24.
[117] For relevant recommendations, see A/HRC/25/3, paras. 138.31–138.32, 138.34–138.36, 138.42, 138.55–138.58, 138.64, 138.68, 138.71, 138.75, 138.92–138.93, 138.95–138.115, 138.134–138.136, 138.157, 138.162, 138.176–138.181, 138.183–138.184 and 138.191–138.192.
[118] See also CEDAW/C/SAU/CO/3-4, para. 4 (c), and CRC/C/SAU/CO/3-4, para. 4.
[119] See CEDAW/C/SAU/CO/3-4, para. 31 (a).
[120] See CAT/C/SAU/CO/2, para. 36. See also CRC/C/SAU/CO/3-4, para. 29.
[121] See CEDAW/C/SAU/CO/3-4, para. 32 (b)–(c) and (g). See also CAT/C/SAU/CO/2, para. 37 (a)–(c), and CRC/C/SAU/CO/3-4, para. 29 (d).
[122] See CAT/C/SAU/CO/2, para. 49 (b). See also para. 37 (d) and CEDAW/C/SAU/CO/3-4, para. 32 (f).
[123] See CRC/C/SAU/CO/3-4, para. 29 (a)–(b).
[124] See CEDAW/C/SAU/CO/3-4, para. 34.
[125] See CRC/C/SAU/CO/3-4, paras. 15–16.
[126] See CEDAW/C/SAU/CO/3-4, para. 28. See also CRC/C/SAU/CO/3-4, paras. 16, 22 and 29 (a).
[127] See CEDAW/C/SAU/CO/3-4, para. 61. See also CRC/C/SAU/CO/3-4, para. 15.

[128] See CEDAW/C/SAU/CO/3-4, paras. 4 (a)–(b) and 61.
[129] Ibid., para. 62. See also CRC/C/SAU/CO/3-4, para. 16.
[130] See CEDAW/C/SAU/CO/3-4, paras. 29–30, 32, 63 (a) and 64 (a)–(c). See also CRC/C/SAU/CO/3-4, para. 32 (b).
[131] See CRC/C/SAU/CO/3-4, para. 16. See also CEDAW/C/SAU/CO/3-4, para. 30 (b).
[132] See CAT/C/SAU/CO/2, para. 37 (a).
[133] See CEDAW/C/SAU/CO/3-4, paras. 39–40.
[134] See A/HRC/35/26/Add.3, paras. 43–47.
[135] For relevant recommendations, see A/HRC/25/3, paras. 138.30–138.31, 138.40, 138.74, 138.115, 138.130, 138.132, 138.135, 138.138, 138.155–138.156 and 138.163.
[136] See CRC/C/SAU/CO/3-4, para. 4.
[137] Ibid., para. 7.
[138] Ibid., para. 13.
[139] Ibid., para. 19.
[140] See CEDAW/C/SAU/CO/3-4, para. 63 (b). See also para. 29.
[141] See CRC/C/SAU/CO/3-4, para. 14. See also CEDAW/C/SAU/CO/3-4, para. 64 (c).
[142] See CRC/C/SAU/CO/3-4, para. 31.
[143] Ibid., para. 30.
[144] Ibid., para. 28.
[145] Ibid., paras. 20, 43 (a) and 44 (a).
[146] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3300456:NO.
[147] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298621:NO.
[148] See CRC/C/OPAC/SAU/Q/1, para. 3.
[149] For the relevant recommendation, see A/HRC/25/3, para. 138.215.
[150] See CRC/C/SAU/CO/3-4, para. 34.
[151] See UNESCO submission, para. 17, and CRC/C/SAU/CO/3-4, para. 34.
[152] See UNESCO submission, para. 17 and specific recommendation 4.
[153] For relevant recommendations, see A/HRC/25/3, paras. 138.137, 138.189 and 138.193.
[154] See CEDAW/C/SAU/CO/3-4, paras. 59–60.
[155] See CERD/C/SAU/CO/4-9, para. 24.
[156] For relevant recommendations, see A/HRC/25/3, paras. 138.31, 138.73, 138.86, 138.116 and 138.194–138.215.
[157] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3302413:NO and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3298592:NO.
[158] See CAT/C/SAU/CO/2, paras. 38–39. See also CRC/C/SAU/CO/3-4, para. 40, and CEDAW/C/SAU/CO/3-4, para. 37 (a).
[159] See CAT/C/SAU/CO/2, para. 41. See also CRC/C/SAU/CO/3-4, para. 32 (d), and CEDAW/C/SAU/CO/3-4, para. 38 (f).
[160] See CERD/C/SAU/CO/4-9, paras. 18 (a)–(b), 20 (a)–(b) and 22 (a) and (c).
[161] See CRC/C/SAU/CO/3-4, para. 40, and CEDAW/C/SAU/CO/3-4, para. 37 (a). See also CAT/C/SAU/CO/2, paras. 38 and 40.
[162] See CEDAW/C/SAU/CO/3-4, para. 38 (b) and (e).
[163] See CEDAW/C/SAU/CO/3-4, para. 38 (e) and (g).
[164] See CRC/C/SAU/CO/3-4, paras. 32 (d) and 40.
[165] See A/HRC/35/26/Add.3, para. 60 (d).
[166] See CAT/C/SAU/CO/2, para. 46.
[167] Ibid., para. 47 (a)–(b). See also CRC/C/SAU/CO/3-4, para. 37, and CEDAW/C/SAU/CO/3-4, para. 58 (b).
[168] For relevant recommendations, see A/HRC/25/3, paras. 138.162–138.163.
[169] See CEDAW/C/SAU/CO/3-4, para. 42 (a).
[170] See CRC/C/SAU/CO/3-4, para. 23.
[171] See CEDAW/C/SAU/CO/3-4, para. 42 (b).
[172] See CRC/C/SAU/CO/3-4, para. 23.